

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION JUNE 12, 2012

Harry E. Mitchell Government Center Tempe City Hall - City Council Chambers 31 E. 5th Street, Tempe, AZ 85281 6:00 PM (5:30 Study Session)

Commission Present:
Dennis Webb, Acting Chair
Tom Oteri
Monica Attridge

Paul Kent Peggy Tinsley

Kolby Granville

Nick Miner Dave Maza

Commission Absent:

Mike DiDomenico Jim Delton

City Staff Present:

Lisa Collins, Interim Community Development Department Director Steve Abrahamson, Planning & Zoning Coordinator Diana Kaminski, Senior Planner Sherri Lesser, Senior Planner Lisa Novia, Admin. Asst. II

Acting Chair Webb called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. It had been determined at the Study Session that Item No. 5 could be placed on the Consent Agenda and all other items would be heard.

1. CONSIDERATION OF MEETING MINUTES: 5/22/12 (POSTPONED)

CONSENT AGENDA

On a vote by Commissioner Attridge and seconded by Commissioner Miner, the Commission with a vote of 7-0 approved the Consent Agenda as proposed.

5. Request for RURAL AND LAKESHORE RESTAURANT COMPLEX (PL120121) (Holly James, D.R.Horton, Inc., property owner; Wayne Sterling, Sterling Design Associates, LLC, applicant) consisting of Lot 1, a one-story 1,725 s.f. restaurant and Lot 2 a one-story 3,500 s.f. building for two restaurants for a total of 5,225 s.f., on 1.23 net acres, located at 4455 S. Rural Road in the MU-3 District. The request includes the following:

GEP12002 – (Resolution No. 2012.55) General Plan Projected Land Use Map Amendment from Mixed-Use to Commercial.

ZON12002 – (Ordinance No. 2012.26) Zoning Map Amendment from MU-3, Mixed-Use, Medium-High Density District to PCC-1 Planned Commercial Center Neighborhood District.

DPR12066 – Development Plan Review including site plan, building elevations, and landscape plan.

REGULAR AGENDA

2. Request an appeal of **CASA DE SMITH (PL120053)** (W. Brent Armstrong, ISOS Architecture, Dave Smith, property owner) located at 1724 S. Ventura Drive in the R1-6, Single Family Residential District for:

UPA12021 (ZUP12021) – Use Permit standard to reduce the rear yard setback by twenty percent (20%) from 15 feet to 12 feet (as measured from midpoint of alley).

UPA12007 (ZUP12022) - Use Permit to allow a second story addition

UPA12008 (ZUP12023) – Use Permit to increase the allowable wall height within the front yard setback from 4' to 6'

THIS CASE HAS BEEN CONTINUED FROM THE MAY 8 AND MAY 22, 2012 MEETINGS

This case was presented by Sherri Lesser and represented by Ruben Valenzuela and Ernie Nichols, appellants.

Mr. Valenzuela requested a continuance due to an absence of one of the appellants, Sara Ahern, who could not be present due to a family emergency.

After a brief discussion among the Commissioners, the appellants and Mr. Smith, it was determined that the case had been continued multiple times due to a short commission and that a full commission was available this evening so the case would be heard.

Mr. Valenzuela gave a presentation that centered on the number of vehicles present at the home and the parking, late night disturbances and traffic concerns related to the number of people that reside and or visit the home. Mr. Valenzuela also stated that this home is listed with the Assessor's Office as a rental property and does not appear to be used for only the Smith family.

Commissioner Attridge questioned Mr. Valenzuela in regards to permit parking in Daley Park.

Mr. Valenzuela indicated that there is permit parking along Ventura Drive but not on the side streets where many of the visitors are parking.

Commissioner Granville questioned the size of the homes surrounding the Smith property.

Sara Ahern's son, Ian Shoemaker, addressed the Commission and stated that their home is approximately 1400 square feet, three bedrooms, and two baths.

Mr. Valenzuela stated that there are plenty of second story homes in the neighborhood that are occupied by single families, and that is why there was no opposition to those modifications. If this home was being used as a single family home, he felt there would probably be very little opposition.

Ernie Nichols, appellant, addressed the Commission. Mr. Nichols concerns centered on the second story being placed on an already large structure and the intended use of the basement.

lan Shoemaker, son of Sara Ahern, spoke on behalf of his mother who could not be present. Mr. Shoemaker read a letter from Ms. Ahern into the record. Ms. Ahern's letter stated concerns in regards to the size and use of this property and proposed structural modifications.

Mr. Shoemaker also spoke on his own behalf and stated his experiences with parties as a neighbor who lives directly behind the Smith residence. Mr. Shoemaker also stated that the approval criteria for Use Permits cannot be met.

Mr. Smith and his architect, Brent Armstrong, addressed the Commission. Mr. Armstrong indicated he would address concerns and questions regarding the architectural aspect of this case and Mr. Smith would address other concerns relating to the residence. He indicated that the applications meet the criteria for the Use Permits.

Mr. Smith stated that this is a private home and not a fraternity. He currently has two sons living in the home and two of their friends. He acknowledged that it is a large home and is probably larger than any other home in the area. He also indicated they have a connection to fraternities and sororities and they support the Greek system. He also stated that they have had, and will continue to hold, events and private parties. He indicated they have never been issued a citation from the Police Department and have told neighboring residence to contact the Police if there is an event and there are issues.

Commissioner Kent questioned Mr. Smith as to the Code Violation notices that had been issued.

Mr. Smith indicated that Commander Hale from the Police Department had visited the home and sent an email to Mr. Smith and Ms. Lesser regarding the number of people living in the home. Mr. Smith addressed the concern and indicated that the young lady who answered the door was housesitting at the time, his sons were out of town, and she is not a permanent resident. Mr. Smith considered the issue resolved.

Commissioner Oteri indicated that there is documentation from the neighborhood regarding excessive, late night parties and asked Mr. Smith to address that concern.

Ms. Smith stated that they have parties and does not feel it's an excessive number. They try and do the responsible thing by having guests use cabs and/or park at Daley Park. He also indicated they want to be good neighbors and are happy to meet and address concerns that are brought to him.

Commissioner Kent asked for clarification as to how the onsite parking will work.

Mr. Smith referred to a drawing in order to explain.

Vice Chair Webb opened the hearing to public input.

Seven residents spoke in opposition of this case. Concerns centered around parties, noise, traffic and parking. One resident spoke in support of the resident being allowed to increase the front yard wall height.

Vice Chair Webb closed the hearing to public input.

Vice Chair gave the appellants the opportunity to return for final comments, they both declined.

Commissioner Granville clarified the rule of consanguinity and if two family members and two unrelated people are living in this home that it meets that requirement.

Ms. Collins indicated yes that Commissioner Granville was correct.

Commissioner Tinsley cannot support the Use Permits and feels there is substantial evidence to show that criteria used in order to approve Use Permits can also not be supported.

Commissioner Attridge agreed with Commissioner Tinsley.

Commissioner Granville stated there are two different issues here but his concern is that the addition is not compatible with its surrounding community.

Commissioner Kent agreed that the addition is out of character for the neighborhood and will support the appeal.

Vice Chair Webb stated he is normally a strong advocate for property owners doing what they would like to do with their property, unless it is interfering with the surrounding neighbors and this apparently is affecting the surrounding property owners.

On a motion by Commissioner Tinsley and seconded by Commissioner Attridge, the Commission with a vote of 6-1 (Commissioner Miner dissented) approved the appeal, overturning the Hearing Officer's approval of the Use Permits.

3. Request for **ARGO AT TOWN LAKE (PL110131)** (Jason Ottman, Evergreen Development Co., property owner; Brent Fike, Todd & Associates Inc., applicant) consisting of a new four story building over two floors of podium parking, with 604,105 s.f., on approximately 5.72 net acres, located at 601 W Rio Salado Parkway in the MU-4 Mixed Use District. The request includes the following:

GEP12003 - (Resolution No. 2012.60) General Plan Projected Land Use Map Amendment from Open Space to Mixed Use and Residential Projected Density Map Amendment from Medium-High Density (up to 25 du/ac) to High Density (greater than 25 du/ac) on approximately .5 acres of the 5.72 acre site.

ZON12003 – (Ordinance No. 2012.27) Zoning Map Amendment from GID, General Industrial District to MU-4, Mixed-Use, High Density District for approximately .5 acres of the 5.72 acre site.

PAD12003 – (Ordinance No. 2012.28) Planned Area Development Overlay Amendment to change existing entitlements for density from 99 du/ac to 63 du/ac, lot coverage from 53% to 75%, landscape area from 35% to 43.2%, building height from 189' to 90', side yard setback from 44'6" to 34'0", and parking reduction from 631 to 559 parking spaces.

DPR12065 – Development Plan Review including site plan, building elevations, and landscape plan.

Commissioner Granville recused himself from this case, Commissioner Maza stepped in.

This case was presented by Diana Kaminski and represented by Jason Ottman, Evergreen Development Co, property owner/applicant.

Ms. Kaminski made a brief presentation which included an overview of the applications associated with this case.

Jason Ottman made a presentation which included the design of the site and the unique inclusion of a food-truck area. During different times of the year and during various events, part of the site will be closed for use by the gourmet food trucks. He indicated there are nine live-work units and a coffee shop planned for the site as well.

Commissioners Kent and Maza asked for clarification regarding site circulation.

Vice Chair Webb called to the public and seeing no one interested in speaking closed the hearing to public input.

On a motion by Commissioner Tinsley and seconded by Commissioner Miner, the Commission with a vote of 7-0 recommended approval of the General Plan Amendment, Zoning Map Amendment and Planned Area Development Overlay and approved the Development Plan Review for this project as recommended in the staff report.

4. Request for **CAMPUS CRUSADE FOR CHRIST (PL110027)** (Teresa Perrine, Campus Crusade for Christ, property owner; Robert Winton, Winton Architects, applicant) consisting of the removal of an existing accessory building and construction of a new one-story accessory building with basement totaling approximately 3,456 s.f., on 1.6 net acres, located at 205 E. 15th Street in the R1-6 District. The request includes the following:

DPR12070 – Development Plan Review including site plan, building elevations and landscape plan.

Commissioner Kent recused himself and Commissioner Granville returned.

This case was presented by Diana Kaminski and represented by Bob Winton, Winton Architects (applicant).

Ms. Kaminski gave a brief overview of the case. She indicated that she had received several emails and questions regarding the case. Some of the questions involved design issues which centered on lighting, signage and historic character. The applicant is required to meet code for lighting but staff is working with the applicant to include full cut-off fixtures, which along with new and existing landscaping and structures, should address lighting concerns. There is no proposed signage and nothing is being done to the existing house and landscaping. The intent is to bring the new building into aesthetic conformance with the existing structure and surrounding areas.

Mr. Winton addressed the Commission briefly on the case, reiterating the property owner's desire to improve the site and make it more compatible with the surrounding area.

Vice Chair Webb opened the hearing to public input.

Three residents spoke in opposition of this case in regards to the use of the property, traffic and parking.

Vice Chair Webb also read one public comment card into the record which was also opposed this case.

Vice Chair stated that this application is for a Development Plan Review only and although the Commission sympathizes with the concerns brought forward, the use is not something that can be addressed at this time.

Vice Chair Webb closed the hearing to public input.

Commissioner Granville questioned the size of the building that is being torn down.

Ms. Kaminski indicated it is 1800 s.f. The footprint of the new building is 1728.

Commissioner Tinsley encouraged the neighbors to contact the proper authorities should the issues with this site continue.

Commissioner Maza stated that he feels the improvements will help to make them good neighbors and although the Commission is not able to review the use at this time, he hopes that they will take what the neighbors are saying and not take advantage.

On a motion by Commissioner Maza and seconded by Commissioner Miner, the Commission with a vote of 6-1 (Commissioner Oteri dissented) approved this Development Plan Review per the recommendations in the staff report.

5. ANNOUNCEMENTS

Vice Chair Webb thanked Commissioner Granville for his service and wished him well as a newly elected Councilmember.

The meeting was adjourned at 8:35 p.m.

Prepared by: Lisa Novia, Administrative Assistant II

Reviewed by: Lisa Collins, Interim Director Community Development Department

Lisa Collins, Interim Director, Community Development Department